

LAURENT REGIMBAL

IBLA 82-722

Decided May 26, 1982

Appeal from decision of Nevada State Office, Bureau of Land Management, rejecting noncompetitive oil and gas lease offers, N 35073 through N 35090.

Affirmed.

1. Mineral Leasing Act for Acquired Lands: Generally -- Oil and Gas Leases: Applications: Generally -- Oil and Gas Leases: Noncompetitive Leases

An offer to lease oil and gas deposits under the Mineral Leasing Act for Acquired Lands, 30 U.S.C. §§ 351-359 (1976), is properly rejected where the land applied for is not shown to be acquired land of the United States.

APPEARANCES: Laurent Regimbal, pro se.

OPINION BY ADMINISTRATIVE JUDGE HENRIQUES

Laurent Regimbal appeals the decision dated March 26, 1982, wherein the Nevada State Office, Bureau of Land Management (BLM), rejected noncompetitive oil and gas lease offers N 35073 through N 35090, because the offers were submitted on form 3110-3 (March 1978), the noncompetitive acquired lands lease form, but all lands described in the offers are public domain.

Appellant states the offer forms were provided to him by BLM in response to his specific request for forms to be used for the purpose of applying for oil and gas leases on public domain lands in Nevada. He concedes that the forms used are those for acquired land rather than public domain, but he argues that the error should be considered a "curable defect" as provided by 43 CFR 3111.1-1(e)(3).

The regulation 43 CFR 3111.1-1 sets forth the requirements for noncompetitive lease offers on public domain lands. Essentially, the regulation

requires that the offer to lease be submitted, in five copies, on the official form (form 3110-1) as approved by the Director, BLM, or on valid reproductions of that form. The regulation in subsection (d) provides that offers not filed in accordance with the regulations shall be rejected without priority unless the deficiency is a "curable defect" as set out in subsection (e). Subsection (e)(3) states that an offer on a lease form not in current use may be approved, all else being regular.

[1] What subsection (e)(3) means is that an outdated public domain lease offer form may be accepted for a public domain oil and gas lease, and by extension, an outdated acquired lands lease offer form may be accepted for an acquired lands lease. ^{1/} An offer to lease oil and gas deposits under the Mineral Leasing Act for Acquired Lands, 30 U.S.C. §§ 351-359 (1976), is properly rejected where the land applied for is not shown to be acquired land of the United States. Nicholas D. Olivier, A-30043 (June 3, 1964). A BLM employee has no authority or duty to accept an erroneous form in order to regard it as a valid offer. See Joe Bart Moore, A-29361 (July 1, 1963).

Therefore, pursuant to the authority delegated to the Board of Land Appeals by the Secretary of the Interior, 43 CFR 4.1, the decision appealed from is affirmed.

Douglas E. Henriques
Administrative Judge

We concur:

Bernard V. Parrette
Chief Administrative Judge

Anne Poindexter Lewis
Administrative Judge

^{1/} The offers of appellant were submitted on the March 1978 edition of form 3110-3. The current edition of that form was issued February 1982.

